

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

9:30 AM

8:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Meeting URL: <https://cacb.zoomgov.com/j/1619456442>

Meeting ID: 161 945 6442

Password: 148283

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Smith by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Erithe A. Smith's Cases" on the Court's website at:

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<https://www.cacb.uscourts.gov/judges/honorable-erithe-smith> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect 10 minutes before your hearing time so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.

Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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8:10-28213 Patricia J. Zantos

Chapter 13

Adv#: 8:21-01100 Zantos v. ECI Financial Corporation et al

#1.00 STATUS CONFERENCE RE: Verified Complaint: (1) To Quiet Title; (2) For Declaratory Relief; (3) For Damages Pursuant To Cal Civ Code Section 2941(d)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Continue Status Conference to March 17, 2022 at 9:30 a.m.; updated Status Report must be filed by March 3, 2022.

Note: Appearances at this Status Conference are not required.

Party Information

Debtor(s):

Patricia J. Zantos

Represented By
David M Goodrich

Defendant(s):

ECI Financial Corporation

Pro Se

DEAN REVOCABLE TRUST

Pro Se

Plaintiff(s):

Patricia J. Zantos

Represented By
David M Goodrich

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

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Patricia J. Zantos

Chapter 13

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5A

9:30 AM

8:18-14388 Francis J Marzec

Chapter 7

Adv#: 8:19-01180 Marshack v. Sweeney et al

#2.00 CONT'D STATUS CONFERENCE RE: Complaint for Turnover of Property Pursuant to 11 U.S.C. §542, 547, 548, 550 and California Civil Code Sec. 3439 et seq.

FR: 3-5-20; 9-10-20; 12-17-20; 4-1-21; 6-3-21; 7-15-21; 12-16-21

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Adversary Proceeding Entered 1/10/2022**

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Adversary Proceeding Entered 1/10/2022 - td (1/10/2022)

Tentative Ruling:

March 5, 2020

Deadline to file Motions re Default Judgment: April 3, 2020
Discovery Cut-off Date: Aug. 3, 2020
Pretrial Conference Date: Sept. 10, 2020 at 9:30 a.m.
(XX)
Deadline to File Joint Pretrial Stipulation: Aug. 27, 2020

Special note: Plaintiff indicates in the Unilateral Status Report that some defendants have responded; however the docket does not reflect the filing of any answers. The court, therefore, assumes such "responses" were informal.

Note: If Plaintiff accepts the foregoing tentative ruling, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

December 17, 2020

Continue the hearing as a Status Conference to April 1, 2021 at 9:30 a.m.; an

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Francis J Marzec

Chapter 7

updated Status Report must be filed by March 18, 2021 if the adversary proceeding is still pending as of such date. (XX)

Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.

April 1, 2021

In light of pending settlement, continue this hearing to June 3, 2021 at 9:30 a.m. as a holding date; updated status report must be filed by May 20, 2021 if the matter is still pending as of that date. (XX)

Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.

June 3, 2021

Continue as a Status Conference to July 15, 2021 at 9:30 a.m.; updated Status Report must be filed by July 8, 2021 if the adversary has not been dismissed by such date. (XX)

Note: Appearances at this hearing are not required.

July 15, 2021 [UPDATED]

Continue Status Conference to December 16, 2021 at 9:30 a.m.; updated status report must be filed by December 9, 2021. (XX)

Note: Appearances at this hearing are not required.

December 16, 2021

In light of the completion of the settlement, continue this Status Conference one final time to January 20, 2022 at 9:30 a.m.; updated Status Report must be filed by January 13, 2022. (XX)

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Francis J Marzec

Chapter 7

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall notice of the continued hearing date/time.

Party Information

Debtor(s):

Francis J Marzec

Represented By
Christine A Kingston

Defendant(s):

Anita Sweeney

Pro Se

Tori Sweeney

Pro Se

Michael Marzec

Pro Se

Beth Marzec

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Anerio V Altman

Trustee(s):

Richard A Marshack (TR)

Represented By
Anerio V Altman

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8:18-14512 One Source Facility Maintenance, Inc.

Chapter 7

Adv#: 8:20-01171 Casey v. Joshi et al

#3.00 CONT'D PRE-TRIAL CONFERENCE RE: Chapter 7 Trustee's Adversary Complaint: 1) To Avoid and Recover Fraudulent Transfers; 2) For Recovery of Transfers; 3) For Preservation of Transfers; 4) For Disallowance of Claim

FR: 3-4-21; 10-14-21

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Notice of Voluntary Dismissal of All Claims Against Defendants Nishan Joshi and West One Property Services, Inc. Only, filed 2/26/2021 - td (2/26/2021)

CONTINUED: Pre-trial Conference Continued to 1/20/2022 at 9:30 a.m., Per Order Entered 8/13/2021 (XX) - td (8/13/2021)

Tentative Ruling:

March 4, 2021

Discovery Cut-off Date:	Sept. 3, 2021
Deadline to Attend Mediation:	Aug. 2, 2021
Pretrial Conference Date:	Oct. 14, 2021 at 9:30 a.m.
(XX)	
Deadline to file Joint Pretrial Stipulation:	Sept. 30, 2021:

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

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CONT... One Source Facility Maintenance, Inc.

Chapter 7

Impose sanctions in the amount of \$100 each as to each defendant (other than Wells Fargo) for failure to timely file a Joint Pretrial Stipulation as required by LBR 7016-1 and this Court's order entered August 13, 2021.

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

One Source Facility Maintenance,

Represented By
James R Selth

Defendant(s):

Dilip Joshi

Pro Se

Nishan Joshi

Pro Se

Vasanti Joshi

Pro Se

Orlando A Molina

Pro Se

JPMORGAN CHASE BANK N.A.

Pro Se

Citibank, N.A.

Pro Se

WELLS FARGO BANK, N.A.

Pro Se

Flagstar Mortgage Corp.

Pro Se

NewRez LLC

Pro Se

Loan Care, LLC

Pro Se

West One Property Services, Inc.

Pro Se

Plaintiff(s):

Thomas H Casey

Represented By
Brennan Mitch

Trustee(s):

Thomas H Casey (TR)

Pro Se

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9:30 AM

8:18-14603 Sean Pate

Chapter 7

Adv#: 8:19-01058 Euretig et al v. Pate

#4.00 CON'TD STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt

FR: 6-20-19; 12-19-19; 11-19-20; 8-19-21; 11-18-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

This adversary proceeding will be stayed in light of the pending state court action, with periodic status conferences. Continue this status conference to December 19, 2019 at 9:30 a.m. An updated status report re the status of the state court action must be filed by December 12, 2019. (XX)

Special note: It is highly likely that once the updated status report is filed, the December 19, 2019 status conference will be continued without the necessity for appearances.

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

December 19, 2019

In light of the pending state court matter, continue this Status Conference to November 19, 2020 at 9:30 a.m.; updated joint status report must be filed by November 5, 2020. All discovery stayed until further notice. (XX)

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

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Sean Pate

Chapter 7

November 19, 2020

In light of pending state court litigation, continue the Status Conference to August 19, 2021 at 9:30 a.m.; updated Status Report must be filed by August 5, 2021. (XX)

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

August 19, 2021

In light of the representation made in the Status Report filed August 5, 2021, regarding a settlement in the state court action, this Status Conference will be continued to November 18, 2021 at 9:30 a.m.; an updated Joint Status Report must be filed by November 4, 2021. The court will set the discovery deadline and the pretrial conference at the November 18, 2021 Status Conference. (XX)

Note: If both parties accept the tentative ruling, appearances at today's hearing is not required and Plaintiff will serve notice of the continued hearing date/time.

November 18, 2021

In light of the settlement of the state court action, continue the Status Conference to January 20, 2022 at 9:30 a.m.. An updated Joint Status Report need only be filed by January 6, 2022 if the adversary is still pending as of such date. In addition, the parties may lodge a stipulated order re relief from the automatic stay to allow the consummation of the settlement. (XX)

January 20, 2022

Discovery Cut-off Date:

April 15, 2022

Pretrial Conference:

May 12, 2022 at 9:30 a.m.

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CONT...

Sean Pate

Chapter 7

Joint Pretrial Stipulation due: April 28, 2022

Note: If all parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Sean Pate

Represented By
Anerio V Altman

Defendant(s):

Sean Pate

Pro Se

Plaintiff(s):

Gary Edelston

Represented By
Jayne A Peeters

Earl B Abramson

Represented By
Jayne A Peeters

Sunwest Trust

Represented By
Jayne A Peeters

Oxnard Street, LLC

Represented By
Jayne A Peeters

Michal Gutentag

Represented By
Jayne A Peeters

Barbara Edelston

Represented By
Jayne A Peeters

Beth Rakow

Represented By
Jayne A Peeters

Jay Rakow

Represented By

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CONT...

Sean Pate

Chapter 7

Jayne A Peeters

Sunwest Trust

Represented By
Jayne A Peeters

Louis Schwartz

Represented By
Jayne A Peeters

David P Abramson

Represented By
Jayne A Peeters

Rachel Euretig

Represented By
Jayne A Peeters

Andrew Euretig

Represented By
Jayne A Peeters

Zvi Gutentag

Represented By
Jayne A Peeters

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

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5A

9:30 AM

8:19-13752 Catherine Melissa-Ann Guinto

Chapter 7

Adv#: 8:20-01004 Upstream Capital Investments LLC v. Guinto

#5.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint Seeking Non-Dischargeability of Debt in Core Adversary Proceeding.

FR: 4-2-20; 6-11-20; 11-5-20; 1-14-21; 4-1-21; 7-22-21; 10-14-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/5/2022 AT 9:30 A.M.,
Per Order Entered 1/6/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-Trial Conference Continued to 5/5/2022 at 9:30 a.m.,
Per Order Entered 1/6/2022 (XX) - td (1/6/2022)**

Tentative Ruling:

[Special Notice: This hearing is being conducted by Zoomgov. See the first page of the calendar for today's hearings for participation details.]

April 2, 2020

No proof of service or joint status report have been filed. Plaintiff must appear and advise the court as to why the same were not timely filed.

Note: Telephonic appearance by Plaintiff's counsel is required.

June 11, 2020 [TENTATIVE MODIFIED SINCE ORIGINAL POSTING]

Joint status report was not timely filed by May 28, 2020. Impose sanctions in the amount of \$100 against Plaintiff's counsel for failure to do so.

Discovery Deadline:

Aug. 14, 2020

Deadline to attend mandatory mediation:

Sept. 30, 2020

Pretrial Conference:

Nov. 5, 2020 at 9:30

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CONT... Catherine Melissa-Ann Guinto

Chapter 7

a.m.

(XX)

Joint Pretrial Stipulation due:

Oct. 22, 2020

Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff's counsel shall lodge a scheduling order consistent with the same. Sanctions payable within 30 days of the hearing, payable to the Clerk of the Bankruptcy Court - Central Dist. CA

November 5, 2020

Continue the Pretrial Conference to December 10, 2020 to allow Defendant one final opportunity to participate in the drafting of the Pretrial Stipulation. Defendant must advise Plaintiff's counsel of her suggested revisions to the Pretrial Stipulation no later than November 19, 2020 and Plaintiff will provide Defendant with a copy of the revised Pretrial Stipulation no later than November 30, 2020. The final version of the Joint Pretrial Stipulation must be filed no later than December 3, 2020.

Court's Comments

1. It is Defendant's best interest to participate in the drafting of the Joint Pretrial Stipulation ("Stipulation") because the Stipulation establishes all issues that will be decided at trial as well as the exhibits and witness that may be presented. Defendant is advised to review Local Bankruptcy Rule 7016-1 re the preparation of joint pretrial stipulations. Unless Defendant participates in the process, the unilateral Joint Pretrial Stipulation (except as noted below) will stand. Defendant is strongly advised to communicate with Plaintiff's counsel regarding the Stipulation.

2. On pages 2 and 3 of the Stipulation, Plaintiff lists all facts it believes are not in dispute. See paragraphs 1 (a) through (j). If Defendant disagrees with any of those facts, she needs to advise Plaintiff's counsel so that the disputed fact(s) can be included in paragraph 2 (starting at p.3, lines 15-27 to p. 4,

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CONT... Catherine Melissa-Ann Guinto

Chapter 7

lines 1-4). For example, if Defendant agrees that she filed a chapter 7 bankruptcy case on September 26, 2019, that is an "agreed" fact that need not be determined at trial. It is Defendant's responsibility to identify any facts in paragraph 1 that genuinely disputes and communicate that to Defendant.

3. Paragraph 2 includes facts that the parties do not agree on that must be decided by the court at trial, such as whether Defendant made false statements regarding the loan, etc.

4. Plaintiff states as an undisputed fact on p. 3 at lines 3-7 that a "default judgment for *fraud* was entered." However, though the complaint attaches several exhibits, a copy of the actual judgment (showing fraud) was not attached. This is important because the state court complaint also includes a cause of action for breach of contract (which is dischargeable) and there is at least a possibility that the judgment could be solely for breach of contract. The court notes that the judgment is not included on Plaintiff's list of exhibits.

5. Defendant needs to provide to Plaintiff's counsel by November 19, 2020 a) her list of witnesses (even if its just herself) and a short summary of what the witnesses will testify to; and b) her list of exhibits that she will present in her defense. If Defendant does not provide a list of witnesses or exhibits by November 19, 2020, she will not be allowed to present them at trial.

6. The trial date will be provided at the December 10, 2020 hearing.

Note: If the both parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date and deadlines. Plaintiff is also encouraged to provide Defendant with a copy of the the tentative ruling prior to the hearing.

Party Information

Debtor(s):

Catherine Melissa-Ann Guinto

Represented By
Lawrence B Yang

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CONT... Catherine Melissa-Ann Guinto

Chapter 7

Defendant(s):

Catherine Melissa-Ann Guinto

Pro Se

Plaintiff(s):

Upstream Capital Investments LLC

Represented By
Lynda E Jacobs

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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9:30 AM

8:21-10570 Jonathan E Hicks

Chapter 7

Adv#: 8:21-01091 Marshack v. McCoy

#6.00 CONT'D STATUS CONFERENCE RE: Complaint for: (1) Avoidance, Preservation, and Recovery of Intentional Fraudulent Transfer [11 U.S.C. Sections 544, 550, & 551]; (2) Avoidance, Preservation, and Recovery of Constructive Fraudulent Transfer [11 U.S.C. Sections 544, 550, & 551]

FR: 12-16-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 16, 2021

Continue Status Conference to January 20, 2022 at 9:30 a.m.; Updated Status Report must be filed by January 6, 2022. (XX)

Note: If all parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.

January 20, 2022

Continue Status Conference to June 30, 2022 at 9:30 a.m.; Updated Joint Status Report must be filed by June 16, 2022.

Note: If the parties accept the tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.

Party Information

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CONT... Jonathan E Hicks

Chapter 7

Debtor(s):

Jonathan E Hicks

Represented By
Bert Briones

Defendant(s):

Aline Hawkins Hicks McCoy

Pro Se

Joint Debtor(s):

Christi A Hicks

Represented By
Bert Briones

Plaintiff(s):

Richard A. Marshack

Represented By
Tinho Mang
D Edward Hays

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Tinho Mang

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5A

10:00 AM

8:20-10778 Angel Munoz Torres

Chapter 13

#7.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

CALIBER HOME LOANS, INC.

VS.

DEBTOR

FR: 10-21-21; 12-9-21

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 21, 2021

Continue this hearing to December 9, 2021 at 10:00 a.m. in light of the pending loan modification application. (XX)

Note: If both parties accept the tentative ruling, appearances at this hearing are not required.

December 9, 2021

Movant to advise the court re the status of this matter. If additional time is needed, the hearing may be continued to January 6, 2022 or January 13, 2022 at 10:00 a.m. by requesting a continuance during the clerk's calendar roll call just prior to the hearing.

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10:00 AM

**CONT... Angel Munoz Torres
January 20, 2022**

Chapter 13

In light of pending motion re loan modification, continue this hearing to
February February 17, 2022 at 10:00 a.m.

***Note: If the parties accept the tentative ruling, appearances at this
hearing are not required and Movant shall serve notice of the continued
hearing date/time.***

Party Information

Debtor(s):

Angel Munoz Torres

Represented By
Maria C Hehr

Movant(s):

Caliber Home Loans, Inc.

Represented By
Darlene C Vigil
Christina J Khil
Cassandra J Richey

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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10:00 AM

8:21-10423 Russell Benjamin Wallace

Chapter 7

#8.00 CONT'D Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE FOR THE BANKRUPTCY
ESTATE OF 29 PRIME, INC.

VS.

DEBTOR

FR: 12/2/21; 12-16-21

Docket 36

***** VACATED *** REASON: CONTINUED TO 2/24/22 AT 10:00 A.M.,
Per Order Entered 1/3/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 2/24/2022 at 10:00 a.m., Per Order
Entered 1/3/2022 (XX) - td (1/3/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Russell Benjamin Wallace

Pro Se

Movant(s):

Richard A Marshack

Represented By
Brett Ramsaur

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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10:00 AM

8:21-11710 Jamie Lynn Gallian

Chapter 7

**#9.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]**

THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION

VS.

DEBTOR

Docket 45

***** VACATED *** REASON: CONTINUED TO 2/17/2022 AT 10:30 A.M.,
Per Hearing Held 1/13/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 2/17/2022 at 10:30 a.m., Per Hearing
Held 1/13/2022 (XX) - td (1/13/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamie Lynn Gallian

Pro Se

Movant(s):

The Huntington Beach Gables

Represented By
Michael D Poole

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#10.00 Hearing RE: Debtor's Motion for Order Disallowing Claims Pursuant to 11 U.S.C. 502: Claim 19-1/State Bar of California-\$18,714.00

Docket 666

***** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Withdrawal of Her Objection to Claim 19-1, filed 1/13/2022**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Withdrawal of Her Objection to
Claim 19-1, filed 1/13/2022 - td (1/14/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By

Jonathan A. Michaels

Eric P Israel

Aaron E DE Leest

Sonia Singh

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10:30 AM

8:19-13260 Simon Szwachowicz

Chapter 7

#11.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Final Fees and Expenses

[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Simon Szwachowicz

Represented By
Matthew C Mullhofer
Christopher J Langley

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Reem J Bello
Ryan W Beall
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:19-13260 Simon Szwachowicz

Chapter 7

#12.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

[WEILAND GOLDEN GOODRICH LLP, COUNSEL FOR THE CHAPTER 7 TRUSTEE]

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

January 20, 2022

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Simon Szwachowicz

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

CONT...

Simon Szwachowicz

Chapter 7

Matthew C Mullhofer
Christopher J Langley

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Reem J Bello
Ryan W Beall
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#13.00 Hearing RE: Debors and Debtors in Possessions' Motion Pursuant to Bankruptcy Rule 9019(A) for Approval of Settlement and Compromise Regarding Allowance of General Unsecured Claim of Finnegan, Henderson, Farabow, Garrett & Dunner LLP in Reduced Amount and Releasing Claims

Docket 605

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#14.00 Hearing RE: Third Interim Application for Compensation and Reimbursement of Expenses for the Period March 1, 2021 through November 30, 2021

**[PACHULSKI STANG ZIEHL & JONES LLP, GENERAL BANKRUPTCY
COUNSEL FOR THE DEBTORS AND DEBTORS IN POSSESSION]**

Docket 627

Courtroom Deputy:

SPECIAL NOTE: Stipulation Regarding Reduction of Fees Requested in Third Interim Application for Compensation and Reimbursements of Expenses, filed 1/11/2022; Order Approving Stipulation Lodged in LOU on 1/11/2022, Order #10327556 - td (1/11/2022)

Tentative Ruling:

January 20, 2022

Approve interim fees and expenses (as set forth in stipulation with U.S. Trustee) and on condition that Applicant files within 7 days of the hearing, biographical background for every billing professional (including paraprofessionals) who has billed two hours or more.

Court's Additional Comments:

If possible, the court would prefer that the time records for future fee applications be organized by task category and not by individual monthly invoices. See, e.g., the fee application of LNBY&G. The compilation by invoice makes review of the reasonableness of the fees in a particular category *extremely* time-consuming for the court.

Party Information

Debtor(s):

HCA West, Inc

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

CONT...

HCA West, Inc

Chapter 11

John W Lucas
Jason H Rosell
Victoria Newmark

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#15.00 Hearing RE: Third Interim Application for Compensation and Reimbursement of Expenses for the Debtors and the Debtors in Possession for the Period March 1, 2021 through September 30, 2021

**[STEPTOE & JOHNSON LLP AS CORPORATE AND SPECIAL COUNSEL
FOR THE DEBTORS AND THE DEBTORS IN POSSESSION]**

Docket 628

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Approve interim fees and expenses as requested on condition that Applicant files within 7 days of the hearing, biographical background for all billing professionals except Mr. Agusti.

Court's Additional Comments:

1. The firm is charging the estate \$796/hr for the services of "special counsel" Joshua Taylor but provides very little biographical information justifying the hourly rate. No biographical information is provided for any of the other billing professionals whose hourly rates range from \$496 to \$796.
2. If possible, the court would prefer that the time records for future fee applications be organized by task category and not by individual monthly invoices. See, e.g., the fee application of LNB&G. The compilation by invoice makes review of the reasonableness of the fees in a particular category *extremely* time-consuming for the court.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

CONT... HCA West, Inc

Chapter 11

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#16.00 Hearing RE: Third Interim Application of Levene, Neal, Bender, Yoo & Golubchik L.L.P. for Approval of Fees and Reimbursement of Expenses

**[LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P., ATTORNEYS FOR
THE JOINT COMMITTEE OF CREDITORS HOLDING UNSECURED CLAIMS]**

Docket 626

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Approve interim fees and expenses as requested on condition that Applicant files, within 7 days of the hearing, biographical information for paraprofessional "S.R."

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:20-11507 HCA West, Inc

Chapter 11

#17.00 Hearing RE: Second Interim Application for Compensation and Reimbursement of Expenses for the Period August 1, 2020 through November 30, 2021

**[OMNI AGENT SOLUTIONS, CASE ADMINISTRATIVE CONSULTANT TO
THE DEBTORS AND DEBTORS IN POSSESSION]**

Docket 629

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Approve interim fees and expenses as requested on condition that Applicant files within 7 days of the hearing, biographical background for all billing professionals who have billed two hours or more, except as to Ms. Steverson.

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:20-12881 Stonewood Homes LLC

Chapter 7

#18.00 Hearing RE: Motion by Trustee for an Order Compelling the Debtor's Principal:
(A) To Appear and Submit to Examination at the Meeting of Creditors on
February 9, 2022, at 10:00 a.m.; (B) To File Amended Schedules and
Statements; and (C) To Provide the Trustee with Certain Document

Docket 131

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Off-calendar in light of stipulation entered into by the parties [dkt 151]

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Stonewood Homes LLC

Represented By
William J King - INACTIVE -
James D. Hornbuckle

Trustee(s):

Thomas H Casey (TR)

Represented By
Karen S. Naylor
Todd C. Ringstad
Ashley M Teesdale

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:21-10608 DEA Brothers Sisters LLC

Chapter 11

#19.00 Hearing RE: Application for Order Authorizing Employment of Khang & Khang LLP as Special Litigation Counsel to the Debtor and Debtor in Possession, DEA Brothers Sisters LLC, Effective December 1, 2021

Docket 320

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

Grant the Application.

Basis for Tentative Ruling:

The court agrees with and adopts the analysis set forth in Debtor's reply as the basis for approving the employment application and overruling A&G's opposition and incorporates the same by reference herein.

Party Information

Debtor(s):

DEA Brothers Sisters LLC

Represented By
John H Bauer
Joon M Khang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:21-10958 Plamex Investment, LLC

Chapter 11

#20.00 CON'TD FINAL Hearing RE: Debtor's Emergency Motion for Entry of an Interim Order, Pending a Final Hearing, Authorizing the Debtor to Use Cash Collateral

FR: 4/16/21; 5-11-21; 8-19-21; 10-21-21

Docket 6

***** VACATED *** REASON: CONTINUED TO 4/21/2022 AT 10:30 A.M.,
Per Order Entered 1/5/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 4/21/2022 at 10:30 a.m., Per Order
Entered 1/5/2022 (XX) - td (1/5/2022)**

Tentative Ruling:

May 11, 2021

Grant motion on final basis on terms set forth in the signed cash collateral stipulation.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

Movant(s):

Plamex Investment, LLC

Represented By
Ron Bender
Juliet Y Oh
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:21-11710 Jamie Lynn Gallian

Chapter 7

Adv#: 8:21-01095 The Huntington Beach Gables Homeowners Association v. Gallian et al

#21.00 Hearing RE: Motion of Adversary Plaintiff and Creditor The Huntington Beach Gables Homeowners Association's for Permissive Abstention from Hearing State Law Claim and for Stay of Adversary Proceedings Pending Litigation to Judgment in State Court

Docket 14

***** VACATED *** REASON: CONTINUED TO 2/17/2022 AT 10:30 A.M.,
Per Hearing Held 1/13/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 2/17/2022 at 10:30 a.m., Per Hearing
Held 1/13/2022 (XX) - td (1/13/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamie Lynn Gallian

Pro Se

Defendant(s):

Jamie L Gallian

Pro Se

Randall L Nickel

Represented By
Mark A Mellor

Movant(s):

The Huntington Beach Gables

Represented By
Michael D Poole

Plaintiff(s):

The Huntington Beach Gables

Represented By
Michael D Poole

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

CONT... Jamie Lynn Gallian

Chapter 7

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:21-11710 Jamie Lynn Gallian

Chapter 7

Adv#: 8:21-01095 The Huntington Beach Gables Homeowners Association v. Gallian et al

#21.10 CONT'D STATUS CONFERENCE RE: Complaint of the Huntington Beach Gables Homeowners Association: 1. To Set Aside Voidable Transfer; 2. For Declaratory Relief Establishing Validity of Lien; 3. To Object to Discharge Under 11 U.S.C. §523(a)(2) (Actual Fraud); and 4. To Object to Discharge Under 11 U.S.C. §727(a)(5)

FR: 1-6-22

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/17/2022 AT 10:30 A.M.,
Per Hearing Held 1/13/2022 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 2/17/2022 at 10:30 a.m., Per Hearing
Held 1/13/2022 (XX) - td (1/13/2022)**

Tentative Ruling:

January 6, 2022

Continue the Status Conference to January 20, 2022 at 10:30 a.m., same date/time as hearing on the pending motion re abstention etc. (XX)

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Jamie Lynn Gallian

Pro Se

Defendant(s):

Jamie L Gallian

Pro Se

Randall L Nickel

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

CONT... Jamie Lynn Gallian

Chapter 7

Plaintiff(s):

The Huntington Beach Gables

Represented By
Michael D Poole

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:21-12158 Besthost Inn LLC

Chapter 11

#22.00 Hearing RE: Order to Show Cause Why Besthost Inn, LLC and its Managing Member Michael Reazuddin Should Not Be Held in Contempt of the Court's November 29, 2021 Order [Dkt No. 127]
(OSC Issued 12-28-21)

Docket 158

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Besthost Inn LLC

Represented By
Michael Jay Berger
Nicholas W Gebelt

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:22-10014 Besthost Inn, LLC

Chapter 11

#22.10 CON'TD Hearing RE: Order to Appear and Show Cause Why Bankruptcy Case Should Not Be Dismissed (OSC Issued 1/10/2022)

FR: 1-13-22

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 13, 2022

Party Information

Debtor(s):

Besthost Inn, LLC

Represented By
Nicholas W Gebelt

Trustee(s):

Mark M Sharf (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:21-12579 Julie Cisneros Luases

Chapter 13

#23.00 Hearing RE: Chapter 13 Trustee's Objection to Claims of Exemption

Docket 14

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 1/12/2022**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 1/12/2022 - td (1/12/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Cisneros Luases

Represented By
Charles W Daff

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:21-12593 Damien Joseph Gomez

Chapter 13

#24.00 Hearing RE: Chapter 13 Trustee's Objection to Claims of Exemption

Docket 18

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary
Dismissal of Motion, filed 1/11/2022**

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion, filed
1/11/2022 - td (1/11/2022)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Damien Joseph Gomez

Represented By
Nima S Vokshori

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

10:30 AM

8:20-12864 Beck & Chase Enterprises, Inc.

Chapter 7

#24.10 Hearing RE: Motion Under LBR 2016-2 For Approval of Cash Disbursements by the Trustee **(OST Entered 1/14/2022)**

Docket 127

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 20, 2022

No tentative ruling.

Court's Comments

The trustee will need to address adequate protection issues re ABF's lien interest.

Party Information

Debtor(s):

Beck & Chase Enterprises, Inc.

Represented By
Jeffrey B Smith
Alexis Galindo

Trustee(s):

Richard A Marshack (TR)

Represented By
Leonard M Shulman
Ryan D O'Dea

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 20, 2022

Hearing Room

5A

2:00 PM

8:21-10513 Rosa A Fridman

Chapter 7

#25.00 Hearing RE: Creditor Karl Avetoom's Objection and Affirmative Defenses to Rosa Fridman's Claimed Homestead Exemption

Docket 93

***** VACATED *** REASON: CONTINUED TO 2/10/2022 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 10/28/2021 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 2/10/2022 at 2:00 p.m. on Court's
Own Motion; See Court's Notice Filed 10/28/2021 (XX) - td (10/28/2021)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosa A Fridman

Represented By
Scott Talkov

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe